

Message Text

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TO AMEMBASSY NASSAU

C O N F I D E N T I A L STATE 238835

E.O. LL652;GDS

TAGS: MARR PINS BF

SUBJECT: GREY AGREEMENT

REF; NASSAU 1420

1. GCOB RECEIVED TEXT AND EXPLANATION OF GREY AGREEMENT FROM HMG PRIOR TO FIRST ROUND OF TRIPARTITE TALKS IN MAY, 1973. AGREEMENT WAS SPECIFICALLY IDENTIFIED DURING THAT FIRST ROUND OF TRIPARTITE TALKS AS ONE INTENDED BY GCOB TO SURVIVE INDEPENDENCE UNDER GCOB'S UNILATERAL DECLARATION ON TREATY SUCCESSION. CARRYOVER AGREEMENT CONFIRMS CONTINUANCE OF ALL US-UK AGREEMENTS RELATING TO U.S. MILITARY FACILITIES AND U.S. MILITARY OPERATING RIGHTS IN BAHAMAS WHICH ALSO INCLUDES GREY AGREEMENT. IN VIEW OF FOREGOING, IT APPEARS THAT BOTH PARTIES HAVE KNOWINGLY CONSENTED TO GREY AMENDMENT'S CONTINUATION IN FORCE BETWEEN USG AND GCOB AND NASSAU 1436 INDICATES ONGOING RECOGNITION OF IT EXISTANCE. IN THIS CONNECTION IT MIGHT BE NOTED THAT USG-GCOB CARRYOVER AGREEMENT GIVES USG FAR BROADER AUTHORITY THAN GREY AGREEMENT WITH RESPECT TO ENTRY INTO AND MOVEMENT IN BAHAMIAN WATERS.

2. WE APPRECIATE THAT SOME PROVISIONS OF GREY AGREEMENT MAY IN ABSTRACT BE OFFENSIVE TO BAHAMIAN SENSITIVITIES AS NEWLY-INDEPENDENT SOVEREIGN NATION. HOWEVER, FROM OUR STANDPOINT, THIS AGREEMENT EXISTS SOLELY FOR PURPOSE OF ENABLING COAST

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GUARD TO ASSIST BAHAMAS. ITS PROVISIONS REFLECT TYPES OF

AUTHORIZATIONS FOUND NECESSARY TO RENDER THAT ASSISTANCE. CONTINUED USCG ASSISTANCE TO BAHAMAS SHOULD BE BASED UPON

SUCH A WRITTEN UNDERSTANDING RATHER THAN UPON ORAL UNDERSTANDING AND UNWRITTEN PRECEDENT ALONE. BELIEVE ACTUAL PRACTICE UNDER GREY AGREEMENT HAS DEMONSTRATED ITS VALUE BY SERVING MUTUAL LAW ENFORCEMENT OBJECTIVES AND HUMANITARIAN INTERESTS OF BOTH GOVERNMENTS. IN THIS REGARD USCG OBTAINS PRIOR APPROVAL OF GCOB WHENEVER POSSIBLE BEFORE UNDERTAKING OPERATIONS IN BAHAMIAN WATERS. EXCEPTIONS HAVE OCCURRED ONLY IN EMERGENCIES WHEN TIMELY COMMUNICATIONS WITH GCOB AUTHORITIES WAS IMPOSSIBLE AND WHERE COAST GUARD BELIEVED THAT GCOB WOULD CONCUR IN USCG ACTION. IF GCOB WISHES TO ESCHEW ASSUMPTION OF CONCURRENCE, IT WILL OF COURSE DO SO.

3. WE WISH TO AVOID CREATION OF ANY IRRITANTS OR MISUNDERSTANDINGS IN USCG-GCOB ACTIVITIES. IN THIS CONNECTION RECENT EMBASSY-SEVENTH CG DISTRICT DISCUSSION WITH GCOB (NASSAU L436) SEEMS TO HAVE BEEN PRODUCTIVE AND EDUCATIONAL PROCESS WE HOPE CAN CONTINUE. FOR EXAMPLE, BAHAMIAN CONCERNS RE USCG ARREST WITHIN GCOB WATERS, WHERE USCG RESTRAINT IS ESPECIALLY DESIRED, CAN EASILY BE ACCOMMODATED. WE WOULD PREFER TO CONTINUE TO ADDRESS PROBLEMS AND ISSUES RAISED BY CONSULTATION OF THIS TYPE WITH A VIEW TO USCG EXERCISING RESTRAINT IN PERFORMING TASKS AUTHORIZED BY GREY AND CARRYOVER AGREEMENTS RATHER THAN OPEN UP, AT THIS TIME, DISCUSSION OF WHETHER OR NOT GREY AGREEMENT SHOULD BE TERMINATED. ALSO, WE WOULD NOT WANT TO ENCOURAGE GCOB TO WHITTLE AWAY AT AGREEMENTS PRESENTLY EXTENDED BY CARRYOVER AGREEMENT AND UNILATERAL DECLARATION IN ADVANCE OF DEFINITIVE ARRANGEMENTS ON MILITARY RIGHTS.

4. WE RECOGNIZE THAT GREY AGREEMENT, AS FORMALIZED BY THE CARRYOVER AGREEMENT, IS OF A TRANSITORY NATURE AND THAT GCOB MAY EVENTUALLY WISH TO MODIFY IT--IF IT WISHES TO CONTINUE TO RECEIVE USCG ASSISTANCE. FOR PRESENT, HOWEVER, IF BAHAMIANS DESIRE CONTINUED USCG ASSISTANCE, BELIEVE AGREEMENT SHOULD REMAIN IN FORCE WHILE EXPERIENCE IS GAINED, ACCOMPANIED BY CONTINUED DIALOGUE BETWEEN APPRO-
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PRIATE USG AND GCOB OFFICIALS RE USCG ACTIVITIES AND PROCEDURES IN BAHAMAS. SHOULD THIS EXPERIENCE AND DIALOGUE LEAD TO CONCLUSION THAT AGREEMENT SHOULD BE MODIFIED OR TERMINATED WE WOULD BE PREPARED TO CONSIDER THOSE POSSIBILITIES. KISSINGER

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